

Springerville Town Council
Minutes
October 17, 2007

Council: Kay Dyson Mayor, Mary Nedrow Vice Mayor, Eric Baca, Pete Hunt and Phelps Wilkins.

Staff: Scott Garms Town Manager, Val Cordova Town Clerk, Tim Shaffery and Eduardo Coronado Town Attorneys, Larisa Bogardus, Sheila Dulhanty, Tom Malone, Karen Asquith.

Public: Phil Hanson, Chuck Corey with SMACC, Judy Hayes WMI, Dana Overson EDAC, Kay Wilkins, Jane Anderson, Karen Glennon, Susan Silva, Kevin Burk, Dustin Sanders, James Rogers, Doug & Carol Henderson, Doug & Cyndi Henderson, Len Watson, Ron Cavanaugh and Rhonda Francisco, Sean Dulhanty, Dave Rempel, Jim W. Crosby, and Brian Martin.

1. The meeting was called to order at 6:00 p.m. by Mayor Dyson,
2. The Pledge of Allegiance and Invocation led by was Mayor Dyson.
3. Public Participation:

SMACC Committee Chairman Phil Hanson briefly reported on the airport and the improvements that have been completed at the airport with grants and future growth from FFA and ADOT grants. There are currently approximately two years into the airport master plan and they need to continue with the growth of the airport. He felt that they should not look back but to look forward to the future.

4. Manager, Council and Chamber Reports:

Mr. Garms reported the schematics on the old school are complete and going before SHPO. When the town receives their approval we hope to go out for contracts.

Mayor Dyson reported that the hospital has hired Michael Zimmerman as Interim CEO. The hospital is going forward and looking at options. She encouraged everyone to put concerns and rumors aside with the hospital.

She attended a summit on Meth-Amphetamine use in Apache County noting this is a critical problem in Apache County. She has invited the Apache County Drug Free Alliance to do a presentation at a future council meeting.

5. Consent Agenda:
 - A. Consider approval of the minutes of October 3, 2007 town council meeting.
 - B. Consider approval of the minutes of the October 4, 2007 special town council meeting.
 - C. Accounts Payable Ratification: Consider approval/ratification of the accounts payable for the Town of Springerville.

Mary Nedrow/Pete Hunt motion to approve consent agenda items 5A through 5B.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Eric Baca
		Pete Hunt
		Phelps Wilkins

Mayor Dyson announced that they move item 12. Ms. Overson has a conflict and cannot stay for the rest of the meeting.

12. Resolution 2007-R013: Discussion and action regarding the adoption of resolution 2007-R013 authorizing an intergovernmental agreement between the Town of Springerville and Apache County to renew the Enterprise Zone.

Pete Hunt/Eric Baca motion to approve Resolution #2007-R013, amending the fee schedule.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Eric Baca
		Pete Hunt
		Phelps Wilkins

6. Kestrel Aviation Contract: Discussion regarding the Kestrel Aviation contract and minimum standards.

Councilman Wilkins asked that he be allowed to read a report he prepared without interruption with regard to grant issues and fairness to Kestrel. His focus was on the minimum standards adopted by the council in July and the unfairness to the current FBO's. The minimum standards for our airport were created from large airport boilerplates with commercial traffic. The FFA circular states that minimum standards should be tailored to our needs.

He stated that he is very opposed to the town running the town airport as we don't know how it will affect our budget.

Ms. Anderson felt that there two issues the minimum standards and the contract issue.

Mr. Garms explained that the town is failing to engage in any cost recovery at the airport. This is the situation that needs to be rectified other wise the town jeopardizes any grant assurances.

Mayor Dyson stated that they have letters from ADOT and FFA stating that the town has to work toward sustainable revenue coming to our airport. The council is faced with the minimum standards and possible renegotiating the contract with Kestrel.

Mayor Dyson also agreed that the minimum standards need to be revisited. She recommended that a couple of SMACC members, one being the chairman, the town manager, our airport person, Councilman Wilkins, and Kestrel to negotiate and revisit the minimum standards, and come up with some lease values and a fee structure. She directed staff to put the letter on hold and keep negotiating with Kestrel. We are all under the FAA watch and we have to come into compliance.

Phelps said he would like to see a council member sit in with the negotiations with Kestrel.

Councilman Hunt felt that this could be resolved easily and all previous letters be put completely on hold. This is what would be best for the community and for the airport.

Mr. Shaffery explained that the thirty days is only in there because it is written into the contract. There is also a clause in the contract stating that if the town or the other party waives the default it cannot be used against you. If you choose not to enforce the contract, the town is a party to the contract and that is okay.

Mayor Dyson restated that discussions will take place immediately on two different things, management and FBO contract i.e. lease fees, service fees, fee structures and looking at a possible revision of minimum standards.

Councilman Baca gave his concerns with the discrimination issues that will come back and bit Springerville sometime in the future if it not addressed.

Mayor Dyson assured him that this would be addressed by separating the two contracts.

7. Ordinance 2007-012: Second reading, discussion and action regarding ordinance 2007-R012 amending chapter 16 "Subdivisions" of the Springerville Municipal Code.

An Ordinance of the Town of Springerville, Arizona, Amending chapter 16 "Subdivisions" of the Springerville Municipal Code; and establishing and effective date: Second reading by Mayor Dyson.

Pete Hunt/Phelps Wilkins motion to approve Ordinance 2007-012

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Eric Baca
		Pete Hunt
		Phelps Wilkins

8. Storage Containers: Discussion and action regarding possible revisions to Section 17.28.190 Storage.

Larisa explained that the highlighted grey wording is what she would like further clarification on so there is no misunderstanding regarding the intent behind these regulations based on direction from the council.

There was some confusion with the enforcement that needed clarification by Ms. Bogardus. She advised the council that she was asked for a proposal for enforcement of existing violations. This is a directive to staff. She advised the council that all enforcement had been suspended pending their direction.

She explained that changes to the Code would need to be made by ordinance to enact the sections in grey. Those are the modifications that would clarify our intent regarding storage in town.

Councilman Hunt stated that he is in favor of having storage containers in a C-1 and even in residential with large acreage with conditional use permits, because regulations and standards can be set.

Vice Mayor Nedrow stated that she was against having storage containers at all.

Mayor Dyson stated that she was not against them in a commercial zone but not in residential areas.

Kay Dyson/Mary Nedrow to approve section 17.28.190 approving storage containers in a commercial area, and strike C allowing them in a residential area.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Eric Baca
		Phelps Wilkins

Nays:	Pete Hunt
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Councilman Hunt asked for discussion on enforcement and timelines with regard to the removal of containers. He felt that they should establish a policy that goes across the board stating that if your container has been there X number of days, then your in compliance, and if not then they need to get a conditional use permit. He suggested using April 19, 07 the date the ordinance was passed as the enforcement date.

To be sure, Ms. Bogardus clarified that the council does want her to enforce the containers on residential properties. She was directed to do so. She said that she would work with the attorney on enforcement.

9. Oaks Townhome Appeal: Discussion and action regarding an appeal of the bond requirements for the Oaks Townhomes Subdivision.

Ms. Bogardus explained that Mr. Rogers purchased the Oaks Apartments to subdivide and sell as condominiums. Planning and Zoning reviewed his vicinity plan and preliminary plat and attached conditions. One of the conditions was that he had to individually meter each unit which he agreed to do. Mr. Rogers has now run into problems with the bonding company who told him they could not bond an unenforceable condition. He also met with a commercial plumber who reviewed the plumbing indicating that the entire building would have to be replumbed at great expense. Mr. Rogers is now asking the council to waive the metering requirement.

Ms. Bogardus said she had discussed this with the attorney and felt that if the council chooses to waive the individual meters requirement they should stipulate that there be a HOA and that it be responsible for paying the bills.

Mr. Rogers advised the council that Doug Brown is in the process of creating a non-profit HOA. There only needs to be an amendment to include this.

Mr. Shaffery advised the council that if there is an HOA then CC&Rs should be set forth in the CC&Rs. He advised the council that they should review them prior to making a decision.

Ms. Bogardus asked council that the CC&Rs be amended to reflect the billing responsibility and submitted to the town before the plat is recorded and subdivision approved.

Mr. Shaffery advised the council that they could either allow, not allow the appeal or table this action and have the developer to bring it back.

Kay Dyson/Phelps Wilkins motion to amend the condition contingent on these changes.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Eric Baca
		Pete Hunt
		Phelps Wilkins

10. The Oaks Townhome Final Platt: Discussion and action regarding the final plat for the Oaks Townhomes subdivision.

Ms. Bogardus advised the council to table this item because they tabled the appeal.

Pete Hunt/Phelps Wilkins motion to table this item.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Eric Baca
		Pete Hunt
		Phelps Wilkins

11. Resolution 2007-R012: Discussion and action regarding the adoption of resolution 2007-R012 adjusting the Town fee schedule which is available for viewing at town hall.

Mayor Dyson read the opening clause of the resolution and stated that these changes are available in town hall. There are a few additions and some changes.

Pete Hunt/Phelps Wilkins motion to approve Resolution #2007-R012, amending the fee schedule.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Eric Baca
		Pete Hunt
		Phelps Wilkins

13. Community Planning Month Proclamation: Discussion and action proclaiming October as Community Planning Month.

Mayor Dyson thanked the Planning and Zoning Commission members and especially those present.

Both the Mayor and Mr. Garms said they would be at the next P & Z meeting to present certificates to the commission members. The Mayor also thanked Ms. Bogardus for her hard work.

Phelps Wilkins/Eric Baca motion to adopt the proclamation.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Eric Baca
		Pete Hunt
		Phelps Wilkins

14. Little Colorado River Watershed Coordinating Council: Discussion and action regarding the Town's involvement in the LCWCC.

Mayor Dyson reminded the council that Ron Smith had come before the council asking for \$2,000 to establish the Little Colorado River Water Shed Coordinating Council.

Mr. Smith recently resigned from the Little Colorado River Water Shed Coordinating Council which was under the umbrella of the RC&D. She advised the council that Springerville needs to decide if they want to support the Water Shed Coordinating Council going out on their own and forming a 5013C.

Councilman Baca said he would attend the October 24th meeting and bring back information.

Pete Hunt/Mary Nedrow motion to table this decision until after Councilman Baca returns from the meeting with more information.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Eric Baca
		Pete Hunt
		Phelps Wilkins

15. P&Z Rules of Procedure: Consider approval of a change in the date and location of the Planning and Zoning Commission's meetings.

Mary Nedrow/Pete Hunt motion to amend the meeting date and location in the Planning and Zoning Commission's Rules of Procedure to the second Wednesday of each month at the Town Hall.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Eric Baca
		Pete Hunt
		Phelps Wilkins

16. Adjournment:

Pete Hunt/Mary Nedrow motion to adjourn the meeting at 8:00p.m.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Eric Baca
		Pete Hunt
		Phelps Wilkins

Kay Dyson, Mayor

ATTEST:

Town Clerk

I hereby certify that the foregoing is a true and correct copy of the minutes of the Springerville Town Council in regular session on Wednesday October 17, 2007. I further certify that the meeting was duly called and a quorum was present.

Dated this 18th day of October

Town Clerk